G. R. S. IX-5]

Previous references.

As. 265 - 14(15)

1915-16.

(Courts)

File No. 288-1915

Serial Nos. 1.

Later references.

Revenue
to
26/11/17

GENERAL AND REVENUE SECRETARIAT.

Serial No. one.

Part B for August 1920.

SUBJECT.

Reconsideration of the question of undertaking legislation with a view to require witnesses to sign their depositions both in Civil and Criminal cases and withdrawal of the Government Order of 17th. March 1916 issued in the matter.

D. 36

(For Disposal at a Meeting)

No. C. 676

.....19...

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Further action to be taken in the following matter:--

Reconsidering the question of undertaking legislation with a view to require witnesses to sign their depositions both in Civil and Crimnal cases and withdrawal of the Government Order of 17th March 1916 issued in the matter.

CIRCULATED TO THE MEMBERS OF COUNCIL

By Order,

C Balasingham

Chief Secretary to Government. 31/5/20

.....31st....May ...19.20.

Extraordinary Member of Council.

8/2 7.6.20

First Member of Council. 1/8/6

7

1282-

2.6.20.

Second Member of Council. Seen 2.6.20

Third Member of Council. Seen.

(For disposal at the Next Meeting)

No. C. 454

18.5. 1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause viii of the Schedule)

Re-consideration of the question of undertaking legislation with a view to require witnesses to sign their depositions both in Civil and Criminal cases and withdrawal of the Government Order No.J.3706-7 dated the 17th March 1916 issued in the matter.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

18th May 1916.

Under Secretary to Government.

Extraordinary Member of Council. Opinion recorded.

86
18.5.16

First Member of Council. Opinion recorded

Second Member of Council. Opinion recorded.

WD 2012—GPB—1 000—9·2·16

G. R. S. 11] 1915.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 288-15

File Heading.

Exception taken by the Chief Court to the issue of the G.O. directing that signatures of witnesses, in civil cases, to their depositions be taken

From

The Registrar, Chief Court.

No. 5039-375 Dated 10.4.1916 Received 29.4.1916

Diary No. 2841	Enclos. — Spare Copies.	Serial No. 1

Brief Abstract of Letter.

States that under the C.P.C. the Chief Court has the power to make rules, that the Govt have no right to dictate to them in the matter, and that the judges feel that they would not be justified in making the proposed alteration at the mere desire of Govt., and against their opinion, without substantial grounds therefor, & discusses the advantages, disadvantages, & possible consequences of the change in procedure.

NOTES AND ORDERS.

General Secretary's note on the above

"Please submit to me with references" Asst Secy 29.4.16

Subd with references.

1.5.16

1/5/16 Secretary

1) Submit to be used with disposal Secy 8/5

2) The letter written to the Chief Ct on 17/3/16 - para 2 - is opposed to the views of His Highness. Will the C.W & the Asst Secy offer explanation or routine note?

Secy 8/5

3/5/16

NOTES—First Sheet.

General and Revenue Secretariat. | Ch to File No. 288 of 1915.

Serial No.

B

3) The resolution of the Council was that "Legislation may be undertaken to require witnesses to sign their depositions both in Civil & Criminal Cases".

This resolution was arrived at in view of the opinions of the Chief Court which were already on record:

4) But para 2 of the letter to the Chief Court, dated the 17th March 16, requested the Chief Court to take further action in order to bring the rule into effect in respect of Civil cases and they were also informed that legislation would be undertaken in regard to Criminal cases. This is not in strict accordance with the resolution of the Council as approved by His Highness; for under it necessary action to legislate in the manner indicated had alone to be taken.

5) The explanation furnished by the Office is hardly satisfactory.

routine note below

6) The Chief Court cannot be compelled to frame a rule and cannot be expected to act against their conviction, in a matter of this kind.

7) The Chief Court may be informed that the decision of the Govt is to undertake necessary legislation in regard to both Civil & Criminal cases and their letter No 3706-7, dated 17/3/16 may be regarded as cancelled.

D

8) It may however be observed that

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | C to File No. 288 of 1918.

Serial No.

573
13-5-16.

the first principles of judicial independence detailed at length in the Registrar's letter are not unknown to Govt & that the letter is too strongly worded for the purpose in view.

Draft of Rao 13/5

Second memorial drawn

9) The Government have been placed in a very false position by the issue of the Order of 17 March 1916, and I agree with the Fd Secretary that that Order should be withdrawn.

10) It is true that the Chief Court's communication is strong, but it is in my opinion not stronger than the circumstances warrant, and the constitutional position taken up therein is perfectly unassailable. That being so, and a mistake having been made, the really dignified and correct course is to acknowledge the mistake made and to withdraw from the false position, & not to ~~indulge in~~ enter on any useless controversy.

11) As regards the ~~question of~~ legislation ~~desired~~ I confess that I am entirely in agreement with

2841

4

G. R. S. 12]

General and Revenue Secretariat.

Cfo File No. 288 of 1915

Serial No.

the view expressed in the Chief Court's letter that there is no need whatever for any change in the existing practice under which the correctness of depositions is certified by the presiding Judge under his signature. The proposal savours (as ~~pointed out~~ in the letter) of a distrust of the integrity of our judicial officers, & has very little to recommend it on the merits.

2) If the Govt. sees no objection, the question of legislation may be reconsidered at a Council meeting.

6175
17.5.16

17.5.16

CL/17/5/16

recd 17/5

3) Please circulate & bring up at the next meeting of Council.

18.5.16 CL

C. S. CL/18/5/16.

4) The letter noted in which exception is taken was approved by the late Secretary. Minutes have not yet been recorded.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | CS File No. 288 of 1915.

Serial No.

(15) I think the whole question may be reconsidered - in the light of the present Communication from the Chief Court - & then finally decided. I may at once say that I do not see any good grounds for any legislation in the subject.

AHF 18-5-16

(16) I agree with the view expressed above.

Dewan 29.5.16.

AHF

(17) I was asked in the Council meeting held on the 7th instant to put up a note of my views & circulate the same.

2) A typed note is annexed.

Dewan 9.6.16

(18) I do not think that it was meant that the Secretary should argue the case over again after the Members of Council had recorded their views. As far as I recollect (and I am speaking from myself), what was intended was that certain references relating to the practice stated to prevail in other provinces should be placed before Members for consideration. Only one such reference has been

To be Sub° to second member in the first instance Dewan

13 5 9 (Members of Council)

10-7-16

Dewan 9.6.16

(19) I understood the instruction in this case to put up a full note. I should not have done so but for the ruling in Sast. Appn. 28 of 1915.

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

put up; and that is apparently an executive order of the local Govt enjoining the continuance of a pre-existing practice, and it refers to criminal cases only. I do not think this stray precedent alters the position materially.

As for the rest I continue to adhere to the opinion already recorded. With respect to the Secy's deprecation of a re-opening of a decision I must say that the more fact that a different opinion was expressed by on a previous occasion by the Council as then constituted does not absolve the present Council from reconsidering an important question of procedure raised on a reference of this kind from the Chief Court.

25.7.16 sam 26/7

289
28.7.16
(with a book)

29 I adhere to the opinion that no legislation is called for. If Govt wish to follow British precedent an executive order may be issued.

LJ
28.7 sam 29/7

29 I also think that there is no need for any legislation in the matter.

Dawson
31.7.16 sam 1/8

NOTE—Contn. sheet.

GPB—70,000—17-12-15

J. R. S. 12]

7

General and Revenue Secretariat. | File No. | of 191

Serial No.

1749.
5.8.16.

(1) When the file was put up yesterday morning the Dewan was pleased to say that a short draft letter to the Chief Court saying that the G.O. is cancelled & point out the impropriety of the tone & language of the Reg's letter to Govt. might be sent up.

(2) Accordingly, I showed the draft to the Dewan at the Council meeting yesterday & he was pleased to say that it might come through the Second Member.

(3) The Second Member also perused the draft letter in Council.

Dewan 4/8

Second Member Dewan

(4) I am sorry I cannot agree to para 2 of the draft. ~~It is not~~ a criticism of the "tone & language" of the Chief Court is not in my opinion called for ~~of the way in which it was~~ in the circumstances of the case; and may lead to further unpleasant correspondence which is to be deprecated. ⊗

(5) This however is a side issue. The main question to be decided ~~now~~ is that of legislation; and on this all the present members of Council have recorded views that are identical

Govt 9/8

⊗ If absolutely necessary to take any notice, an oral or demi-official hint from the Dewan to the Chief Judge would be ~~more~~ quite as effective, & much less ~~so~~ offensive.

Re the necessity for

NOTE—Contn. sheet.

GPB—20,000—30-6-15

H 31

8

Subject.-(Clause viii of the Schedule)

Chief Court Registrar's letter re ~~Re-consideration of~~ the question of undertaking legislation with a view to require witnesses to sign ~~other~~ their depositions both in Civil and Criminal cases and withdrawal of the Government Order No.J.2706-7 dated the 17th March 1916 issued in the matter

OPINION OF THE COUNCIL.

29/9

Council

Dewan Sahib that the papers might be sent to him so that he would talk to Sir Leslie Miller.

Secy
2/9

P.S.D

1337
4.9.16

Bangalore,

2nd January 17.

My dear Mr.Narasinga Rao,

I am desired to return herewith Cts.File No.288-15 about requiring witnesses to sign depositions and to state that the main question of undertaking legislation in the matter may be proceeded with on its merits.

Yours sincerely,

Narasinga

G.R.S. 13]

Routine Notes.

[To be used **only for notes, requisitions, etc., not intended for permanent** record.]

Cavil
288-15

*attached to this Routine note.

Subd

1) The file noted in the margin, which was kept in a closed cover with the instruction that it was not to be opened except when called for, was opened today, in connection with the examination of the cases and reduction in their number, as required in the review on the Progress Report for February 1920. It is submitted for perusal and orders as to the further action to be taken in the matter.

2) Subd for orders

C.S. Circulate.

DEWAN'S OFFICE.
Recd. on MAY 26 1920
Reg. No. 7872

C.S. 28/5/20

3) Chief Secy

Member

3) It seems to me that the matter might be dropped & the papers filed.

3rd member

Dewan

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

4) I think the matter may be brought before the Council & new members elected.

27-5-20 Chief Secy

Dewan

Extract from the Proceedings of the 532nd *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 29th June 1920. 19

15. Subject. - Clause of the schedule.

(a) Further action to be taken on the following matter:-

(1) Reconsidering the question of undertaking legislation with a view to require witnesses to sign their depositions both in Civil and Criminal cases and withdrawal of the Government order of 17th March 1916 issued in the matter.

Opinion of the Council.

(a) The whole matter may be dropped.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT'

Chief Secretary to Government.

WD 1148—GPB—1,000—23-12-18

J. 2811

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

C. 694

File No. 985 of 1918.

Serial No.

To the Asst. Secretary, Branch III pro tem

for kindly submitting the file to the 2nd Member of Council with a draft Final Note.

Hoz 3076.

Please put up to D.C. D.M. 1/7

Subd. with a D.F.N. D.M.

29/7/20 Hoz 3076

Please have the D.C. typed. Why has there been so much delay? D.M. 31/7

On account of pressure of work in the Branch, this delay has occurred which is regretted. Hoz 4/8/20

A typed copy of the D.F.N. is put up. Subd.

Hoz 4/8/20 4/8

Subd. with D.C. D.M. 5/8

III Member

Please approve

Hoz 5/8

Sign 10/8

D.F.N. please

Hoz 4/8

Subd. with D.C. D.M.

Chief sees

Hoz 4/8

Hoz 4/8

Hoz 4/8

Final Note by the Third Member of Council.

13

49

Subject:- Reconsideration of the question of undertaking legislation with a view to require witnesses to sign their depositions both in Civil and Criminal cases and withdrawal of the Government Order of 17th March 1916 issued in the matter.

With reference to Government Proceedings No.J.3706-7/Cts. 265-14-5, dated 17th March 1916, passing orders in the matter of requiring witnesses to sign their depositions both in Civil and Criminal cases, and requesting the Chief Court to take action to bring the rule into effect in respect of Civil cases, the Chief Court took exception to the ~~said~~ order and said that they could not admit the right of Government to dictate what rules are to be made, annulled or altered and that they would not be justified in altering the rules at the mere desire of Government and against their own opinion expressed before that the proposed change was unnecessary.

2. It was found that the direction to the Chief Court contained in para 2 of the said order went beyond the resolution of the Council on the subject, as under it necessary action to legislate in the manner indicated had alone to be taken. The then Second Member of Council, Mr.K.S.Chandrasekhara Iyer, having agreed with the Chief Court that there was no need for any change in the practice under which the correctness of depositions is certified by the presiding Judge under his signature, the question of the necessity for legislation in the matter was reconsidered in Council, when the other Members of Council were also not in favour of legislation.

Pages 3 & 4 ? Office Notes

Pages 4 to 6 ?

3. Side by side with the above question, the impropriety of the tone and language of the Chief Court's letter to Government having been discussed, the file was, as per directions in Council, sent to the late Dewan for having a talk with Sir Leslie Miller on the subject, and the question of legislation was not pursued.

/14

This was on 2nd September 1916.

Page 8 of Office Notes

4. The file was returned by the Dewan on 2nd January 1917 with instructions that the main question of legislation in the matter might be proceeded with on its merits, but it was kept in a sealed cover with instructions 'to be kept till called for'. It was opened on 30th March 1920 in connection with the examination of 'Sus' cases when it was found that the case was not finally disposed of. It was then submitted to the Dewan who ordered it to be placed before the Council.

Page 11 of Office Notes

5. The matter was considered by the Council in their meeting of 29th June 1920 and it was resolved that the whole matter might be dropped.

6. The opinion of the Council may be graciously approved.

Mir Khan Zaheer

MEMBER OF COUNCIL.

10th August 1920.

(15

Submitted to His Highness.

50

I submit herewith a Final Note by the Third *Member of Council on the subject of* reconsidering the question of undertaking legislation with a view to require witnesses to sign their deposition both in Civil and Criminal cases and withdrawal of the Government Order of 17th March 1916, *for His Highness' gracious approval.*

Dewan.

13.8.20

c. 694 /16

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of undertaking legislation in the matter of requiring witnesses to sign their depositions both in Civil and Criminal cases and of withdrawing the Government Order dated the 17th March 1916

Order.

51) KRMP 16/8/20

20 234

52) Chief Secy 17.8

20/242 19.8.20

53) Subd for perusal 17-8-20

III Member 54) 20/8 52) 17/8

1118.117 19.8.20. 56) Secy 20.8.20

Record. 21/8

5039/375

4

17

CHIEF COURT OF MYSORE,

BANGALORE.

Dated 10th April 1916.

Please submit to me with all speed
29/4

DIARY No. J. 2841

rom

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,

Registrar of the Chief Court of Mysore.

Cts. 16
Cts.
288-15
1

To

D.M. NARASINGA RAO, Esquire, B.A., B.L.,

Secretary to the Government of Mysore,

General Department.

S i r,

I am directed to acknowledge the receipt of Government Order No. J. 3706-7/Cts. 265-14-5 dated the 17th March 1916 and to state that the Judges have read the second paragraph with some surprise.

It will be within the recollection of the Government that in their letter No. 1081/79 dated the 25th August 1915, the Judges expressed an opinion that the change proposed is unnecessary, and they find it difficult to suppose that the Government expects them to alter that opinion without being supplied with any kind of evidence or reason indicating that it is wrong.

Copy put up

The Government is aware that in regard to the rules made under the Civil Procedure Code the legislative authority is the Chief Court which acts with the assistance of the Rules Committee and subject to the sanction, but not under the orders of the Government (Sections 122, 123, 124 and 126, Civil Procedure Code), and I am to state that the

18

(4) the Judges cannot admit the right of the Government to dictate to the Chief Court what rules are to be made, annulled or altered and feel that they would not be justified in altering the rules at the mere desire of the Government and against their own opinion.

The Judges are always ready to give great weight to the views and wishes ~~to~~ of the Government but they venture to think that seeing that they had already expressed an opinion on the question dealt with in the order under consideration, they might fairly expect to have been supplied with some reasons before they were asked to take action against their own opinion in a matter in which the Government cannot claim the right to issue orders.

I am to state that in these circumstances the Judges will be glad to give their best and most respectful consideration to any reasons or evidence which the Government may care to advance in support of the view stated in the 1st paragraph of the order under discussion, but that in the absence of further information they are not prepared to propose to the Rule Committee any change in Order XVIII of the Code.

The Judges have not been supplied with any papers, not even a summary of the reasons advanced in the Representative Assembly, which can assist them in ascertaining on what grounds the alteration is desired.

They see no reason to suppose that the signature of the Judge under Order XVIII Rule 5 ~~is~~ is not in most cases at least as good if not a better guarantee of the accuracy of the record as the signature of the witness: witnesses ordinarily are careless whether their statements are properly recorded or not: they have said their say

and

(19

and the result does not affect them. If the signature of the witness is supposed to be required as a protection to the Judge, the Judges have no evidence before them on which they can arrive at a conclusion that this protection is wanted by Judges or is in any way necessary: if the signature is to protect the witness against the Judge, the Judges feel strongly that in the absence of strong evidence of necessity, no step should be taken to suggest that the Judges of Civil Courts are not to be trusted to make a correct record.

If the signature is expected to make it harder for the witness to deny his statement, the Judges do not think as at present advised, that there is any need for the change or that it would have any great effect. A witness can and does deny his signature if that suits his purpose and the Judge's signature should be a good evidence of what was done in his presence. If the signature is expected to engender in the witness an increased sense of responsibility, the Judges know of no reason to hope that the expectation will be fulfilled in any degree.

On the other hand it seems certain that, whatever be the real reasons which prompt it, the alteration will be regarded by the public as indicating that the Government has doubts about the integrity of the Judges of Civil Courts in the State, and unless there is some real and demonstrated necessity for a change of procedure, anything that is likely to have the effect of weakening the position of the Judges of Civil Courts is greatly to be deprecated.

I have the honour to be,

Sir,

Your most obedient servant,

H. Chapman

(20

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd.

In order to give effect to the council Resolution (approved by His Highness the Maharaja) so far as civil cases were concerned, rule 5 of order XVIII of Schedule I of the Civil Procedure code 1911, had to be amended. The procedure to be followed for such amendment is indicated in sections 121 122, 124, 126, 127 & 128 of the civil Procedure code. Under these sections, the Chief Court has to annul or alter these rules in Schedule I after consulting the Rule Committee and after obtaining the previous ~~sanction~~ approval of the Government.

Flag N

Flag O.

Therefore in this particular matter, I thought only the Chief Court could take the legislative action contemplated by the Council

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

(21

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Resolution. Hence I submitted that action had to be taken in the Courts sec: for referring the matter to the chief Court & for needful The ~~matter~~ drafting of G.O. the ~~letter~~ was then done by Mr K. Gundu Rao of the Courts section.

8/5/16

What has Mr G. Rao to say? done 8/5

Subd.

It has been stated in the resolution of the Council, in the final note and in the Submission note that "legislation may be undertaken to require witnesses; the manner in which legislation shall be brought about in respect of civil cases was indicated in paragraph 26 of the note which was apparently accepted and it was ordered in paragraph 28 that a

N.B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

GPB—50,000—5-8-15

(22

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

draft may be put up to the Registrar, Chief Court. As it was nowhere mentioned that legislation should be undertaken by Govt, I thought the procedure adopted was unobjectionable.

Besides the question of Signatures of witnesses being taken to their depositions in Civil cases, there was the question about depositions in Criminal cases. As the Darara Subject refers to both these questions, I submitted after verbal representation to the Asst Secy, with permission of, a comprehensive draft order, which is the usual form in which orders are conveyed on Darara subjects. This draft was ~~finally~~ approved by the Member of Govt who submitted the final note in the Case.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

660

9.5.16

(23

G.R.S. 13]

Routine Notes.

[To be used **only for notes, requisitions,** etc., **not intended for permanent** record.]

The matter referred to in the file was one forming part of the Rules in the First Schedule to the Civil Procedure Code, (Order XVIII), and under the same code, the Chief Court is vested with the power to frame rules or to vary or amend them (S.122, 123, 124). As the majority of the Judges of the Chief Court who were consulted in the matter had no objection in principle to the modification it was thought that the simplest course would be to request the Chief Court to use their power of delegated legislation and frame a rule. A draft was accordingly prepared and submitted based under the orders of the Hon'ble Finance Member.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

Mr. Gundu Rao's explanation is also submitted herewith.

EB
9-5-16.

EB
8/5

Secretary)

(24

SUBJECT. - QUESTION OF REQUIRING WITNESSES TO SIGN THEIR DEPOSITIONS BOTH IN CIVIL AND CRIMINAL CASES .

.....

GENERAL SECRETARY'S NOTE.

Points for consideration.

The points for consideration in this case are:-

D

(i) Whether the Chief Court should not be informed that letter No. 3706-7 dated the 17th March 1916, is based on a mistake and that it may be regarded as cancelled.

P. U. D.

(ii) Whether the Chief Court should not also be informed that Government consider that the Registrar's letter No.5039/375, dated the 10th April 1916, is, in their opinion, too strongly worded.

U.

(iii) Whether it is necessary to reopen the decision of His Highness the Maharaja that legislation should be undertaken with a view to require witnesses to sign their depositions both in civil and criminal cases.

First point.

2. The answer to the first point is in the affirmative for the following reasons:-

B

The resolution of the Council was that "legislation may be undertaken to require witnesses to sign their depositions both in civil and criminal cases

(25

This resolution was arrived at in view of the opinions of the Chief Court which were already on record.

But paragraph 2 of the letter to the Chief Court, dated the 17th March 16, requested the Chief Court to take further action in order to bring the rule into effect in respect of civil cases and they were also informed that legislation would be undertaken in regard to criminal cases. This is Not in strict accordance with the resolution of the Council as approved by His Highness, for under it, necessary action to legislate in the manner indicated had alone to be taken.

The explanation furnished by the Office is hardly satisfactory.

The Chief Court cannot be compelled to frame a rule and cannot be expected to act against their conviction in a matter of this kind.

Second point.

3. In paragraph 8 of the office note, I have already recorded my opinion on this point thus:-

"It may, however, be observed that the first principles of judicial independence detailed at length in the Registrar's letter are not unknown to Government and that the letter is too strongly worded for the purpose in view.'

(26

Third point.

4. My reasons against re-opening the decision are as follow:-.

(i) Generally, a re-opening of the decision of His Highness the Maharaja is not proposed except on very strong grounds which in my opinion do not exist in this case.

(ii) Besides, the decision merely amounts to placing a Bill for the purpose before the Legislative Council when it may be discussed on its merits in detail.

(iii). Even today, the practice of witnesses signing their Kannada depositions exists in the Civil Courts of the State.

W

(iv) In the Madras Presidency, an order of Government requires that though the Criminal Procedure Code does not provide that the record of the depositions of witnesses should be signed by them, the practice of requiring them to sign the record of their depositions when taken down in their own language should be continued.

W

(Vide page 51, paragraph 168 of the Madras Criminal Rules of Practice1910, and the Extradition Rules, 1911, with notes by S.K.Chariar'.)

C.

(v) In February 1915, two of the Judges of the Chief Court including the Chief Judge considered that though the necessity is not clear, there is no objection in principle to asking wit-

(27

witnesses to sign their depositions, but that both Codes would require amendment if it is to be done.

Douglas
1977